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**Government of the District of Columbia**



**Metropolitan Police Department**

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Testimony of  
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***Hearing on “Over-classification and Pseudo-classification:  
The Impact on Information  
Sharing”***

United States House of Representatives  
Committee on Homeland Security  
Subcommittee on Intelligence, Information Sharing and  
Terrorism Risk Assessment  
Honorable Jane Harman, Chair

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U.S. House of Representatives  
311 Cannon House Office Building  
Washington, DC 20515

Chairwoman Harman, members of the Committee, staff and guests – thank you for the opportunity to present this statement on the impact of over-

classification on information sharing. Specifically, I will address federal-level information sharing with local law enforcement.

To begin, I emphasize the important role that local law enforcement plays in homeland security efforts. We are more than merely first *responders*. We are first *preventers* who are uniquely positioned to detect and prevent terrorist incidents right here at home. There are 800,000 law enforcement members across the nation who know the communities they serve and are in the best position to detect and investigate criminal activity that might be connected to terrorism. Information provided by local police – if discovered early and matched with the right intelligence - can help detect, disrupt and prevent a terrorist plot.

However, in order for local law enforcement to perform its critical role of first *preventer*, it is essential that police officers and support personnel be provided with timely intelligence information. This requires an intelligence conduit consisting of an organized, effective and trusting flow of information between local law enforcement and our federal partners.

It is important to note that in the national capital region, the flow of information among federal, state and local partners through our Joint Terrorism Task Force (JTTF) is quite good. Part of the reason for this is that our agencies have worked together for years sharing information and coordinating responses to a variety of situations. Pre-established relationships and a track record of trust have smoothed many of the obstacles experienced by other jurisdictions. The JTTFs understand local law enforcement, and appreciate the value of local relationships. I believe other aspects of the federal homeland security community could learn from the experiences of the JTTFs.

Nonetheless, several issues remain as it relates to federal-local intelligence sharing practices. Local law enforcement needs better access to federal intelligence information, as well as an enhanced ability to translate such information into local law enforcement activity. This involves classifying information appropriately, as well as creating more efficient local access to both non-classified and classified information. Further, we need to recognize the importance of smaller law enforcement agencies, as well as the need to

expand homeland security efforts beyond our traditional partners. I will discuss these issues in greater detail in this testimony.

Access to federal intelligence information remains a major obstacle for local law enforcement. While the security classification system that mandates security clearances helps to ensure that sensitive information is protected, it also hinders local homeland security efforts. Information collected by the federal government is sometimes overly *classified*, causing valuable information that should be shared to remain concealed.

Local law enforcement does not need to know details about where information originates or how it was collected. However, we do need sufficient and timely information in order to know what to look out for - as well what scenarios to prepare and drill for. Intelligence analysts should assess intelligence information and synthesize it in a manner that allows pertinent information to be shared widely among local law enforcement personnel. This requires that they write the analysis for release and appreciate the type of actionable information useful to law enforcement. I want to also emphasize the importance of quickly sharing information – even if the information is not fully vetted. Information provided by the federal government that is dated or only shared once a threat becomes imminent does not offer value to local law enforcement. At this point it is too late for us to enhance our capabilities to effectively deal with the threat. Conversely, local law enforcement analysts should also ensure that intelligence they collect is assessed and shared with DHS, FBI, and other local and state agencies.

A significant challenge facing local law enforcement is translating the intelligence information that is obtained from the federal government into action for local jurisdictions. This challenge is notably exacerbated when the information provided either not timely or is restricted and cannot be shared with other stakeholders. It does a local police chief little good to receive information – including classified information - about a threat if she cannot use it to help prevent an attack. Operationally, local law enforcement needs to be aware of the presence of possible terrorist organization activity in their jurisdiction and surrounding region. This intelligence – combined with information such as how these groups travel and communicate – influence

local law enforcement resource allocation, training, prevention, and response practices.

It is critical that the local law enforcement community be made aware of global trends regarding people and organizations that have the potential to commit crimes or pose a bona fide threat to the community. Awareness of these global trends will identify emerging threats and allow me to properly train my patrol officers on the individual elements needed to mitigate these emerging threats. As a police chief I need various forms of intelligence that will come from a variety of different agencies. On the strategic side, I need a global view of known terrorist organizations, groups and individuals – both foreign and domestic - and the potential threat they may pose to the homeland. This type of intelligence provides me with a better understanding of the history of these groups, their capabilities and their interest in particular targets or weapons. The broad nature of this type of intelligence, in my opinion, should not be classified beyond “law enforcement sensitive”. Even when it involves emerging groups or capabilities, as long as the information remains in the law enforcement community, and is used for legitimate law enforcement purposes, it should not cause harm to any ongoing intelligence operation.

In addition to increased awareness of global trends, I also need to be familiar with the local threat environment in the national capitol region. Being familiar with the presence of known terrorist groups in the region allows me to educate and train my officers on the known tactics used by these organizations so they can pay particular attention to certain subtle activities while on routine patrol. For example, if it is known that a particular terrorist group that has a presence in the NCR is known to engage in financing terrorist activities by selling untaxed cigarettes, my patrol officers need to be aware of these and other tactics so that they would know which information to pass to the JTTF for further analysis.

The bottom line issue is that the frontline officers, who see the individual elements of crimes, need to be knowledgeable of emerging threats and tactics in order to link these individual elements so that trends can be identified early and mitigated quickly.

Importantly, there are also occasions where local law enforcement officials may need to be apprised of classified information. There is no question that local law enforcement personnel have added value to federal task forces – such as the JTTFs – as well as Department of Homeland Security operation centers. It is for these reasons that appropriate security clearances must be granted – in a timely manner - to local police.

While the Metropolitan Police Department (MPD) has obtained a number of security clearances for its members, that is not true for all law enforcement organizations. It is imperative that federal, state, and local law enforcement personnel that are working together to protect the nation from terrorist threats be on equal footing. While local law enforcement has seen some improvement in the process of receiving security clearances, more must be done to expedite the process.

I am optimistic that the DHS-supported fusion centers that are becoming operational across the country will help bridge some the existing intelligence sharing gaps. This will be accomplished by having analysts from different agencies and perspectives talking to each other and working together. .

While large-sized police departments have the ability to develop and implement more sophisticated intelligence functions, small agencies are sometimes left out of the loop. In the Washington area alone there are 21 municipal law enforcement agencies that have less than 40 police officers. It is incumbent upon the federal government and large police departments to ensure that smaller agencies are kept informed - and understand the importance of intelligence information. Formal liaisons should be established, and every agency - no matter how small - should have an accessible representative that is familiar with handling intelligence information.

I also believe that federal and local law enforcement should consider expanding its homeland security efforts beyond traditional parameters. We need to examine the possibility of establishing intelligence conduits with other local government components. Firefighters, paramedics and health workers, are well positioned to contribute valuable information to help

protect our communities. In order to harness these types of resources, intelligence-sharing networks must be more inclusive. Further, the intelligence community will also need to work on developing and sharing intelligence that is actionable for other professions. We should begin planning for this new front now.

Finally, local law enforcement recognizes that in addition to needing timely intelligence from federal agencies, we also must be willing and able to share timely and useful information gathered at the local level with our federal state, and local partners. This is what the fusion center concept is all about. Local law enforcement stands ready to do its part in contributing to – and receiving and acting upon – the information that we hope will be shared more extensively in the future.

Ultimately, such improvements in intelligence sharing will make our nation safer, as the federal government as local first responders work jointly as first *preventers*.

Thank you again for the opportunity to appear before you today.

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